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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Fund for Empowerment, et al.,

10 Plaintiffs,

11 v.

12 City of Phoenix, et al.,

13 Defendants.
14

No. CV-22-02041-PHX-GMS

ORDER

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16 Before the Court is Defendants' Emergency Motion to Continue Response Deadline
17 and Hearing (Doc. 67). Defendants correctly note that the briefing and hearing schedule
18 was set in response to documents submitted by the Plaintiffs indicating that the City would
19 conduct an enhanced cleanup in the Zone on May 24, 2023. The City does not appear to
20 have published a formal revocation of the May 24 cleanup date, and in any event, has not
21 provided it to the Court. However, in its Motion to Continue, the City represents that "there
22 will be no cleaning until the parties have had a chance to present the matter to the Court at
23 the hearing." (Doc. 67 at 2.) In response, Plaintiffs note that while notice of a cleanup
24 scheduled for May 24, 2023, has been published, they are aware of no notice cancelling or
25 delaying such a cleanup, and hence they cannot be sure that a cleanup will not occur.

26 After consideration, the Court grants the City's emergency motion and orders that
27 no cleanups, either scheduled or unscheduled, shall occur within the Zone until the Court
28 has held the hearing on Plaintiffs' Motion for Modification of Preliminary Injunction and

1 Motion for Order to Show Cause and provides further orders to the parties.

2 Accordingly,

3 **IT IS THEREFORE ORDERED** that Defendants' Emergency Motion for
4 Continuance (Doc. 67) is **GRANTED**.

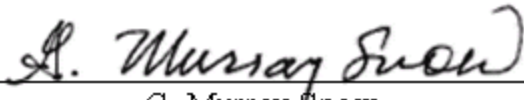
5 **IT IS FURTHER ORDERED** that the hearing on Plaintiffs' Motion for
6 Modification of Preliminary Injunction and Motion for Order to Show Cause (Doc. 59) on
7 May 23, at 2:00 PM is **VACATED**.

8 **IT IS FURTHER ORDERED RESETTING** the hearing on the merits of
9 Plaintiffs' Motion for Modification of Preliminary Injunction and Motion for Order to
10 Show Cause (Doc. 59) for **Friday, May 26, 2023, at 1:30 PM** in Courtroom 602, Sandra
11 Day O'Connor U.S. Federal Courthouse, 401 West Washington Street, Phoenix, Arizona
12 85003.

13 **IT IS FURTHER ORDERED** that Defendants' response to Plaintiffs' Motion for
14 Modification of Preliminary Injunction and Motion for Order to Show Cause is due on
15 **Thursday, May 25, 2023, at 12:00 PM**.

16 **IT IS FURTHER ORDERED** that Defendants shall not conduct any cleanups in
17 the Zone until the Court has held the hearing and provided further orders to the parties.

18 Dated this 22nd day of May, 2023.

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21 G. Murray Snow
22 Chief United States District Judge
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